REMARKS

Applicant is in receipt of the Office Action mailed October 1, 2003. Claims 1-26 remain pending in the case. Further consideration of the case is earnestly requested in light of the following remarks.

Section 102 Rejections

The Office Action rejected claims 1-5, 13-20, 25, and 26 under 35 U.S.C. 102(e) as being anticipated by Perry et al. (US 5,903,341). Applicant respectfully disagrees.

Applicant notes that in the Office Action, the Examiner asserted that Perry's use of an image acquisition device combined with software executing on a CPU (for analyzing image data acquired by the image acquisition device) to detect the object comprises 'physically' detecting the object, in spite of the clear distinctions communicated in the previous Response. Applicant has called the Examiner repeatedly (on December 22 and December 29) to schedule a telephone interview to discuss this issue, but has not received a return call. Applicant further clarifies this distinction below.

Applicant submits that the Examiner has not fully appreciated Applicant's distinction between 'physically' detecting an object, and detecting an object via software analyzing image data acquired from the object. Another way of expressing this distinction is that object detection via software analysis of image data is an indirect method of detection, in that it is not a physical aspect of the object itself that is detected, but rather an image of the object detected in image data. For example, as was noted in the previous Office Action Responses, the system of Perry requires software executing on a CPU to analyze image data to determine if the object is present. As clearly stated in col. 5 lines 20-22, Perry's system includes a software program that "will process the input data to determine whether there is an object in the field of view for this set." Thus, in Perry's system, in order to detect the object, a computational load is placed on the CPU, since the CPU must execute the software to analyze the image data, and the software must execute whether an object is present or not. In other words, host CPU resources are required to detect presence and absence of objects. Applicant notes that this is one of the

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primary problems overcome by Applicant's system as presented in claims 1, 16, 18, and 26.

In contrast, 'physical' detection of the object is a direct method of detection, in that some physical aspect of the object is directed detected by a sensor, and does not rely on an analytic software program to determine whether the object is present. Thus, by 'physically' detecting the object with a sensor, no computational load is placed on the CPU. As an illustrative example, in a case where the objects to be detected have an innate magnetic field, a magnetic sensor would physically, i.e., directly, detect the object via its magnetic field, and would not require analysis by a software program executing on a CPU to determine if the object is present. In other words, the object is detected without the use of software executing on a CPU, and so incurs no computational load on the CPU. This feature is further clarified by the specific inclusion of an "object detector" in various of the claims. Applicant notes that a camera that merely acquires images regardless of whether or not an object is present is not properly an object detector, since further analysis of the acquired image is required to determine the presence of the object.

Applicant submits that this useful feature is neither taught nor suggested by Perry, and so claims 1, 16, 18, and 26, and claims respectively dependent thereon, are patentably distinct from Perry, and are thus allowable for at least the reasons provided above.

Removal of the 102(e) rejection of claims 1-26 is respectfully requested.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-36800/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Request for Approval of Drawing Changes

☐ Notice of Change of Address

☐ Check in the amount of $ for fees (   ).

☐ Other:

Respectfully submitted,

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